

REMARKS

This Application has been carefully reviewed in light of the Final Office Action mailed August 21, 2009. At the time of the Final Office Action, Claims 10-13 and 36-38 were pending in this Application. Claims 1-9 and 14-35 were previously cancelled due to an election restriction requirement and Claims 36-38 were withdrawn by the Examiner.

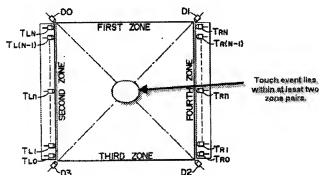
Claims 10-13 were rejected in the Final Office Action. Claim 10 is herein amended. Applicants respectfully request reconsideration and allowance of all pending claims.

Rejections under 35 U.S.C. § 102

Claim 10 stands rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 4,703,316 issued to Terry G. Sherbeck ("*Sherbeck*").

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Furthermore, "the identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co. Ltd.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Applicants respectfully submit that *Sherbeck* does not show all elements of Claim 10, and thus cannot anticipate Claim 10. For example, *Sherbeck* does not teach "partially overlapping zone pairs such that the touch event lies completely within at least two zone pairs." In the Final Office Action, the Examiner argued that in *Sherbeck's* system, a touch event at the intersection of the four zones lies "within" at least two triangle zone pairs, as shown in the Examiner's illustration copied below.



Although Applicants dispute the Examiner's interpretation that a touch event straddling the line between two zones lies "within" both zones, Applicants have removed any possible ambiguity by amended Claim 10 to require the touch even to lie *completely within* at least two zone pairs. The hypothetical touch event proposed by the Examiner (at the intersection of the four zones) does not lie completely within *any* zone, much less completely within any zone pair. Moreover, there is no location on *Sherbeck's* screen that lies completely within at least two zone pairs. Thus, *Sherbeck* fails to teach "partially overlapping zone pairs such that the touch event *lies completely within at least two zone pairs*."

For at least these reasons, Applicants respectfully request reconsideration and allowance of Claim 10, as well as all claims that depend from Claim 10.

Rejections under 35 U.S.C. §103

Claims 11-13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Sherbeck* in view of U.S. Patent 5,355,149 issued to Mark W. Casebolt ("*Casebolt*").

Applicants submit that dependent Claims 11-13 are allowable at least because they depend from independent Claim 10, shown above to be allowable. Thus, Applicants respectfully request allowance of dependent Claims 11-13. Applicants do not concede that the *Sherbeck-Casebolt* combination is proper.

CONCLUSION

Applicants have made an earnest effort to place this case in condition for allowance in light of the remarks set forth above. Applicants respectfully request reconsideration of the pending claims.

Applicants believe no fees are due at this time; however, the Commissioner is hereby authorized to charge any fees required to effectuate this filing to Deposit Account No. 50-4871 of King & Spalding LLP.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.457.2030.

Respectfully submitted,
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